

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 22-42 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

Examiner rejected claims 22-42 under 35 U.S.C. § 103(a) as being unpatentable over Levi, *et al.* (US 6,804,778) in view of Gary, *et al.* (US 5,699,509). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicant respectfully submits claims 22-42 are patentable because Levi and Gary, taken alone or in any permissible combination, fail to disclose, teach, or even suggest the elements of the independent claims. For example, Levi and Gary, taken alone or in any permissible combination, fail to disclose, teach, or even suggest “receiving dedicated differential update instructions, wherein the dedicated differential update instructions comprise differential update instructions used to generate the updated data version and differential update instructions used to repair the data that is inconsistent with the first data version,” as recited in independent claim 22, for at least the reasons discussed herein. Independent claims 37, 38, 39, and 40 recite substantially similar elements.

The aforementioned claim element recite that the “dedicated differential update instructions” comprise two types of “differential update instructions”: (1) “differential update instructions used to generate the updated data version” and (2) “differential update instructions used to repair the data that is inconsistent with the first data version.” In support of the rejection, Examiner cites various passages of Levi (col. 2, lines 38-59; col. 3, lines 43-55; col. 4, lines 24-61; and col. 12, lines 47-63) as allegedly

disclosing the aforementioned claim element. Applicant will address each cited passage in turn:

Col. 2, lines 38-59 of Levi discuss:

An aspect of some preferred embodiments of the invention relate to data redress by an output monitor. In a preferred embodiment of the invention, a copy of some of all the data which can be transmitted is stored at a secure location. When data is proscribed from being transmitted, for example for reason of it being tampered, the output monitor obtains a "clean" copy of the data from the secure location and transmits the clean data instead. In some cases, the clean data may be more limited than the original data, for example a message which indicates that data is not being transmitted. Alternatively, proscribed data is not transmitted, so that transmitted WWW pages contained blank areas. Alternatively, a standard message is transmitted, to fill in the blank areas. Alternatively or additionally, the transmitted WWW page is modified so that the page appears not to be missing data and/or so that the distortion of the page is minimized. Alternatively, the altered data is allowed to go out, with an additional message, for example, to warn the user of possible corruption. An example of such a message is a disclaimer of warranty for the content of the data. Another example of a message is a warning that the data may be incorrect.

In other words, this passage of Levi merely discusses what happens when data is "proscribed from being transmitted." According to the passage of Levi, a substitute "clean copy" is sent, a "modified" copy is sent, or the "altered data" is sent, along with a notice that the data has been altered. However, nothing in the cited passage discloses, teaches or even suggest anything about different type of instructions, much less "dedicated differential update instructions" that further include "differential update instructions used to generate the updated data version" and "differential update instructions used to repair the data that is inconsistent with the first data version."

Col. 3, lines 45-55 of Levi discusses:

Alternatively or additionally, transmitting said data comprises not transmitting said data if quality is not assured. Alternatively or additionally, said transmitting said data comprises transmitting said data if said data does not require quality assurance. Alternatively or additionally, the method comprises redressing said data if said quality assurance fails. Preferably, redressing comprises replacing said data with verified data. Preferably, said verified data is a copy of the data which was to be obtained by said data provider. Alternatively said verified data is a not up-to-date copy of the data which was to be obtained by said data provider.

In other words, this passage of Levi merely discusses different ways of "transmitting data," "redressing said data," and replaying data with "verified data." However, nothing in the cited passage discloses, teaches or even suggest anything about different types of instructions, much less "dedicated differential update instructions" that further include "differential update instructions used to generate the updated data version" and

“differential update instructions used to repair the data that is inconsistent with the first data version.”

Col. 4, lines 24-61 of Levi discusses:

In a preferred embodiment of the invention, verifying said first stage data comprises verifying a signature on a program used for said first manufacturing step. Alternatively or additionally, said first stage signing is performed by a program which performs said first manufacturing step. Alternatively or additionally, said first manufacturing step comprises database querying. Alternatively or additionally, said first manufacturing step comprises retrieving data from a remote source. Alternatively or additionally, said first and said second manufacturing steps are performed at a computing site. Alternatively or additionally, the method comprises redressing said data if said verification fails. Preferably, said redressing comprises performing a backup data manufacturing process.

There is also provided in accordance with a preferred embodiment of the invention, a method of data corruption recovery, comprising:

detecting that data to be transmitted is corrupted, after said data is prepared for transmission and while transmitting said data;

redressing said data; and

transmitting said redressed data instead of said corrupted data. Preferably, said redressing comprises retrieving replacement data from a secured location. Preferably, said secured location contains a copy of said corrupted data. Alternatively or additionally, said secured location contains a previous version of said corrupted data. Alternatively or additionally, said secured location contains a less up-to-date copy of said corrupted data.

In a preferred embodiment of the invention, said redressing comprises retrieving replacement data from a remote location. Alternatively or additionally, said redressing comprises modifying a data transmission to not include a reference to said corrupted data. Alternatively or additionally, said redressing comprises manufacturing replacement data for said corrupted data. Alternatively or additionally, said redressing is transparent to a receiver of said data transmission.

However, nothing in the cited passage discloses, teaches or even suggest anything about different type of instructions, much less “dedicated differential update instructions” that further include “differential update instructions used to generate the updated data version” and “differential update instructions used to repair the data that is inconsistent with the first data version.”

Col. 12, lines 47-63 of Levi discusses:

In a preferred embodiment of the invention, the backup data is a copy of the original data, maintained at a secure location which is accessible only, or mainly, by the output monitor. Thus, there is a greater probability that the backup data is not tainted. Possibly, the backup data is encrypted or stamped with a digital signature. Possibly, a copy of all the data is maintained. In one example, only data which is susceptible to corruption is maintained in copy. In another example, only data which must be available is maintained as a copy. Possibly, if data corruption is detected, a copy of the data is used to replace the site database, possibly automatically.

At most, the cited passage merely discusses aspects of Levi's backup data. Nothing in the cited passage discloses, teaches or even suggest anything about different type of instructions, much less "dedicated differential update instructions" that further include "differential update instructions used to generate the updated data version" and "differential update instructions used to repair the data that is inconsistent with the first data version."

Regarding claim 23, nothing in Levi and Gary, taken alone or in any permissible combination, discloses, teaches, or even suggests "generating the differential update instructions based on information about detected corrupted memory blocks, if any." As previously discussed, nothing in the cited references discusses anything about "differential update instructions," much less generating such instructions "based on information about detected corrupted memory blocks."

In the "Response to Arguments" section of the Final Office Action, Examiner asserts that "because there is no differentiating language separating the updating data version and what is effectively the repaired first version, the examine (*sic*) does not believe the amendments presented fully overcome the cited prior art." Applicant respectfully disagrees. In fact, the claims explicitly distinguish between "a first data version" and "an updated data version." See, preamble, claim 22 ("updating an image of stored data in a mobile terminal from a first data version to an updated data version"). Thus, something that is "effectively the repaired first version" is expressly distinguished from "an updated data version" since the "first version" (repaired or not) is updated to "an updated data version," according to the present claims.

Thus, for at least the foregoing reasons, independent claims 22, 37, 38, 39, and 40 (and all claims dependent therefrom) are patentable over Levi and Gary, taken alone or in any permissible combination. Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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